NOTIFICATION. 487

No. L.D. 1156, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, The Mysore Tenancy Bill, 1951, together with Statement of objects and reasons, is published for general information.

THE MYSORE TENANCY BILL, 1951.

A Bill to regulate the law relating to tenancies of agricultural lands.

Preamble.

WHEREAS it is necessary to regulate the law which governs the relations of landlords and tenants of agricultural lands and to regulate and impose restrictions on the transfer of agricultural lands, dwelling houses, sites and lands appurtenant thereto belonging to or occupied by agriculturists, agricultural labourers and artisans in the State of Mysore and to make provisions for certain other purposes hereinafter appearing ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Tenancy Act, 195 .

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) " agriculture " includes horticulture, the raising of crops, grass or garden produce, dairy farming, poultry farming, stock breeding and grazing, but does not include cutting of wood only ;

(2) " agriculturist " means a person who cultivates land personally ;

(3) " Amildar " includes any officer whom the Government may appoint to perform the duties of an Amildar under this Act ;

(4) " to cultivate " means to carry on any agricultural operations ;

(5) " to cultivate personally " means to cultivate on one's own account—

(*i*) by one's own labour, or

(*ii*) by the labour of any member of one's family, or

(*iii*) by servants on wages payable in cash or kind but not in crop share or by hired labour under one's personal supervision or the personal supervision of any member of one's family.

Explanation 1.—A tenant who is a widow or a minor or is subject to any physical or mental disability shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour;

Explanation 2.—In the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally, if it is cultivated by any member of such family;

(6) "Government" means the State Government;

(7) "improvement" means with reference to any land, any work which adds to the value of the land and which is suitable thereto as also consistent with the purpose for which it is held; and includes—

(*a*) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;

(*b*) the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage from water;

(*c*) the reclaiming, clearing, enclosing, levelling or terracing of land;

(*d*) the erection of buildings on the land, required for the convenient or profitable use of such land for agricultural purposes; and

(*e*) the renewal or reconstruction of any of the foregoing works or alterations therein or additions thereto as are not of the nature of ordinary repairs; but does not include such clearances, embankments, levellings, enclosures, temporary walls, water channels and other works as are commonly made by the tenants in the ordinary course of agriculture;

(8) "land" means land which is used for agricultural purposes, and includes—

(*a*) the sites of farm buildings appurtenant to land used for agricultural purposes, and

(*b*) the sites of dwelling houses occupied by agriculturists, agricultural labourers or artisans and land appurtenant to such dwelling houses;

(9) "landholder" means an inamdar, khayamguttadar or jodidar or any person not hereinbefore specified who is a holder of land or who is interested in land and whom Government has declared on account of the extent and value of the land or his interests therein to be a landholder for the purposes of this Act;

(10) "person" includes an undivided Hindu family;

(11) "prescribed" means prescribed by rules made under this Act;

(12) "profits of agriculture" in respect of any land means the surplus remaining with the cultivator after the expenses of cultivation including the wages of the cultivators working on the land are deducted from the gross produce;

(13) "reasonable rent" means the rent determined under section 12;

(14) "rent" means any consideration, in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but shall not include the rendering of any personal service or labour;

(15) "tenancy" means the relationship of landlord and tenant;

(16) "tenant" means an agriculturist who holds land on lease and includes a person who is deemed to be tenant under the provisions of this Act. The word "landlord" shall be construed accordingly;

(17) "year" means the year ending on the 31st day of March or on such date as the Government, by a notification in the *Mysore Gazette*, appoint for any locality;

(18) Words and expressions used in this Act but not defined shall have the meaning assigned to them in the Mysore Land Revenue Code, 1888, and the Transfer of Property Act, 1918, as the case may be.

CHAPTER II.

GENERAL PROVISIONS REGARDING TENANCIES.

Application of Chapter V of Transfer of Property Act.

3. The provisions of Chapter V of the Transfer of Property Act, 1918, shall, in so far as they are not inconsistent with the provisions of this Act, and the

provisions of section 107 of the said Chapter with the omission of the words and figures "Subject to the proviso to clause (*d*) of section 17 of the Mysore Registration Act, 1903," shall apply to the tenancies and leases of lands to which this Act applies.

Persons to be deemed tenants.

4. A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the owner and if such person is not—

(*a*) a member of the owner's family, or

(*b*) a servant on wages payable in cash or kind but not in crop share or a hired labourer cultivating the land under the personal supervision of the owner or any member of the owner's family, or

(*c*) a mortgagee in possession.

No tenancy to be for less than five years.

5. (1) No tenancy of land shall be for a period of less than five years.

(2) Notwithstanding any agreement, usage or law to the contrary, no tenancy shall be terminated before the expiry of a period of five years except on the grounds mentioned in section 14:

Provided that any tenancy may be terminated by a tenant before the expiry of a period of five years by surrendering his interest as a tenant in favour of the landlord.

Maximum rent.

6. (1) Notwithstanding any agreement, usage, decree or order of a court or any law, the maximum rent payable by a tenant for the lease of any land shall not exceed one-half of the crop of such land or its value as determined in the prescribed manner.

(2) The Government may, by notification in the *Mysore Gazette*, fix a lower rate of the maximum rent payable by the tenants of lands situate in any particular area or may fix such rate on any other suitable basis as they think fit.

Rent.

7. The rent payable by a tenant shall, subject to the maximum rate fixed under section 6, be the rent agreed upon between such tenant and his landlord or in the absence of any such agreement the rent payable according to the usage of the locality or if there is no such

agreement or usage, or where there is a dispute as regards the reasonableness of the rent payable according to such agreement or usage, the reasonable rent.

Calculation of rent payable in kind.

8. Notwithstanding any agreement, usage or custom or any law, the rent payable in kind or as a crop-share by a tenant for the lease of any land, shall be specified, in the case of any commodity usually calculated—

(*i*) by measure, in terms of the standard palla of one hundred seers, or

(*ii*) by weight, in terms of the standard maund of nine hundred and sixty tolas ;

and no landlord shall recover or receive rent calculated in any manner other than that specified in this section.

Prohibition of receipt of rent in terms of service or labour.

9. (1) Any landlord receiving any rent from any tenant in terms of service or labour shall, within twelve months from the date of coming into force of this Act, apply to the Amildar for commuting such rent into cash. Such application shall be made in such form as may be prescribed.

(2) On receipt of an application under sub-section (1), the Amildar shall, after holding an inquiry, by order in writing, commute such rent into cash rent.

(3) Notwithstanding anything contained in any agreement, usage, decree or order of a court or any law, no landlord shall recover or receive rent in terms of service or labour after a period of twelve months from the date of coming into force of this Act.

Refund of rent recovered in contravention of the provisions of the Act and other penalties.

10. If any landlord recovers rent from any tenant in contravention of the provisions of sections 6, 7 or 9, he shall forthwith refund the excess amount recovered to the tenant and shall be liable to pay such compensation to the tenant as may be determined by the Amildar in this behalf and shall also be liable to such penalty as may be prescribed by rules made under this Act.

Abolition of all cesses, etc.

11. Notwithstanding any agreement, usage or law, it shall not be lawful for any landlord to levy any cess, rate, mamool, huk or tax or service of any description or denomination whatsoever from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

Enquiries as regards reasonable rent.

12. (1) For the determination of the reasonable rent of any land the tenant or his landlord may apply in writing to the Amildar. Such application shall be in such from as may be prescribed.

(2) On receipt of an application under sub-section (1), the Amildar shall give notice to the landlord or to the tenant, as the case may be, and after holding an inquiry, shall determine the reasonable rent of the land.

(3) In determining the reasonable rent, regard shall, subject to the provisions of section 6, be had to the following factors :—

(*a*) the rental values of lands used for similar purpose in the locality ;

(*b*) the profits of agriculture of similar lands in the locality ;

(*c*) the prices of crops and commodities in the locality ;

(*d*) the improvements made in the land by the landlord or tenant ;

(*e*) the assessment payable in respect of the land ; and

(*f*) such other factors as may be prescribed :

Provided that in determining the reasonable rent the Amildar may commute any rent payable wholly, or partly as a crop-share into cash rent.

(4) A tenant may, at any time during the pendency of proceedings under this section, deposit with the Amildar, or if an appeal has been filed, with the Deputy Commissioner, as the case may be, a sum equal to the amount of rent if the rent is payable in cash or a sum equal to the value of crop-share, if the rent is payable as a crop-share which, if no proceedings had been instituted under this section he would have been liable to pay in respect of the land of which the reasonable rent is to be determined. On the completion of proceedings, the Amildar or the Deputy Commissioner shall direct that the amount so deposited or such part of it as is equal to the amount determined as reasonable rent under this section, shall be paid to the landlord and shall make such other order as may be necessary.

(5) Every order passed by the Amildar under this section if not appealed against, and every order passed by the Deputy Commissioner in appeal shall hold good for a period of five years and shall not be called in question during that period :

Provided that the Amildar or the Deputy Commissioner as the case may be, may, during the said period of five years—

(i) reduce the rent, if on an application made to him by a tenant, the Amildar or the Deputy Commissioner as the case may be, is satisfied that,

(*a*) on account of deterioration of the land by floods or other cause beyond the control of the tenant, the land has been wholly or partially rendered unfit for the purposes of cultivation, or

(*b*) the tenant has incurred any expenditure on account of improvement made on the land, or

(ii) enhance the rent, if on an application made to him by a landlord, the Amildar or the Deputy Commissioner, as the case may be, is satisfied that on account of any improvement made in the land by or at the expense of the landlord, the produce of the land is increased.

Suspensions or remissions of rent.

13. (1) Notwithstanding anything contained in section 87-A of the Mysore Land Revenue Code, 1888, whenever from any cause, the payment of the whole land revenue lpayable to Government by a landlord in respect of any oand, is suspended or remitted, the landlord shall suspend rr- remit, as the case may be, the payment to him of the lent of such land by his tenant. If, in the case of such tand, the land revenue is partially suspended or remitted, the landlord shall suspend or remit the rent payable by the tenant of such land in the same proportion.

(2) If no land revenue is payable to Government in respect of such land and if from any cause the payment of the whole or any part of the land revenue payable to Government in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Deputy Commissioner shall, subject to the general or special orders of Government, in the manner provided in sub-section (1), suspend or remit, as the case may be, the payment to the landlord of the rent or part of it due in respect of such land.

(3) No application for assistance under sections 97 and 98 of the Mysore Land Revenue Code, 1888, shall be entertained, no suit shall lie and no decree of a civil court shall be executed for recovery by a landlord of any

rent, the payment of which has been remitted, or during the period for which the payment of such rent has been suspended under this section. The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed for any suit or proceeding for the recovery of such rent.

(4) Notwithstanding anything contained in sections 97 and 98 of the Mysore Land Revenue Code, 1888, the Deputy Commissioner shall, in passing an order under section 98 of the said Code, for rendering assistance to the landlord, allow to the tenant a set-off for the sum, if any, paid by such tenant to the landlord in excess of the amount of rent due from him after deducting the amount required to be remitted under sub-section (1) or sub-section (2) of this section or under section 87-A of the said Code. The set-off under this sub-section shall be allowed only in respect of the sums paid by such tenant to such landlord during a period of three years immediately preceding the date of the application made under section 97 of the said Code.

(5) If any landlord fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention of this section. The tenant may apply to the Amildar for the recovery of the amount and the Amildar may, after making an inquiry, make an order for the refund.

Termination of tenancy.

14. (1) Notwithstanding any agreement, usage, decree or order of a court of law, the tenancy of any land held by a tenant shall not be terminated, unless such tenant,

(*a*) (i) has failed to pay the rent of such land for a continuous period of two years within fifteen days from the day fixed for the payment of the last instalment of land revenue, in accordance with the rules made under the Mysore Land Revenue Code, 1888, for the second of the two years, or

(ii) if an application for the determination of reasonable rent is pending before the Amildar or the Deputy Commissioner under section 12, has failed to deposit within fifteen days from the aforesaid date with the Amildar or the Deputy Commissioner, as the case may be, a sum equal to the amount of rent which he would have been liable

to pay for that year if no such application had been made, or

(iii) in case the reasonable rent determined under section 12 is higher than the sum deposited by him, has failed to pay the balance due from him within two months from the date of the decision of the Amildar or the Deputy Commissioner, as the case may be,

(*b*) had done any act which is destructive or permanently injurious to the land;

(*c*) has sub-divided the land;

(*d*) has sub-let the land or failed to cultivate it personally;

(*e*) has left the land fallow; or

(*f*) has used such land for a purpose other than agriculture.

(2) In the case of a tenant, the duration of whose tenancy is for a period of five years or more, the tenancy shall terminate at the expiration of such period, unless the landlord has, by the acceptance of rent or by any other act or conduct of his, allowed the tenant to hold over within the meaning of section 116 of the Transfer of Property Act, 1918.

(3) Notwithstanding anything contained in sub-section (1), the tenancy of any land held by a tenant who is a widow or a minor or who is subject to physical or mental disability, shall not be liable to be terminated under the said sub-section, only on the ground that such land has been sub-let on behalf of the said tenant.

Tenancy deemed to be renewed for five years if the tenant allowed to hold over.

15. Where the period of tenancy of any tenant has expired and if such tenant has been allowed to hold over under the last preceding section, the tenancy of such tenant shall be deemed to have been renewed for a further period of five years from the date of its expiry on the same terms and conditions as before.

Bar to eviction from dwelling house.

16. If, in any village, a tenant is in occupation of a dwelling house built at the expense of such tenant, or his predecessor-in-title on a site belonging to his landlord, such tenant shall not be evicted from such dwelling house (with the materials and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment) unless—

(*a*) the landlord proves that the dwelling house was not built at the expense of such tenant or his predecessor-in-title, and

(*b*) such tenant makes a default in the payment of rent, if any, which he has been paying for the use and occupation of such site.

Tenant to be given first option of purchasing site on which he has built a dwelling house.

17. (1) If a landlord to whom the site referred to in section 16 belongs, intends to sell such site, the tenant, at the expense of whom or whose predecessor-in-title a dwelling house is built thereon, shall be given in the manner provided in sub-section (2), the first option of purchasing the site at a value determined by the Amildar.

(2) The landlord intending to sell such site, shall give notice in writing to the tenant, requiring him to state within three months from the date of service of such notice, whether he is willing to purchase the site.

(3) If, within the period of three months so specified, the tenant intimates in writing to the landlord that he is willing to purchase the site, the landlord shall make an application to the Amildar for the determination of the value of the site. On receipt of such application, the Amildar, after giving notice to the tenant and after holding an enquiry, shall determine the value of the site. The Amildar may, by an order in writing, require the tenant to deposit the amount of value of such site within three months from the date of such order. On the deposit of such amount, the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Amildar shall, on payment of the prescribed fee, grant a certificate in the prescribed form to such tenant specifying therein the site so transferred and the name of such tenant.

(4) If the tenant fails to intimate his willingness to purchase the site within the time specified in sub-section (2) or fails to deposit the amount of the value within the time specified in sub-section (3), the tenant shall be deemed to have relinquished his right of first option to purchase the site and the landlord shall then be entitled to evict the tenant either on payment of such compensation for the value of the structure of such dwelling house as may be determined by the Amildar or allow the tenant at his option to remove the materials of the structure.

(5) Any sale of a site held in contravention of this section shall be null and void.

Tenant to be given first option of purchasing land leased to him.

18. (1) If a landlord intends to sell any land leased to a tenant, such tenant shall be given in the manner provided in sub-section (2), the first option of purchasing the land.

(2) The landlord intending to sell the land shall give notice in writing to the tenant specifying the price of such land and requiring the tenant to state within one month from the date of service of such notice whether he is willing to purchase the land at such price.

(3) If, within the period of one month so specified, the tenant intimates in writing to the landlord that he is willing to purchase the land at such price, the landlord shall make an application to the Amildar for recovery and payment of the price. The Amildar shall thereupon, by an order in writing, require the tenant to deposit the amount of the price of such land within three months from the date of such order. On the deposit of such amount the land shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Amildar shall, on payment of the prescribed fee, grant a certificate in the prescribed form to such tenant declaring him to be the purchaser of the land. Such certificate shall be conclusive evidence of the sale as against the landlord and all persons interested therein.

(4) If the tenant fails to intimate his willingness to purchase the land within the time specified in sub-section (2) or fails to deposit the amount of the price of the land within the time specified in sub-section (3), the tenant shall be deemed to have relinquished his right of first option to purchase the land and the landlord shall then be entitled to sell the land to any other person at a price not exceeding the price at which the land was offered to the tenant under sub-section (2).

(5) Any sale of land held in contravention of this section shall be null and void.

Dwelling houses of agricultural labourers and artisans.

19. The Government may, by notification in the *Mysore Gazette*, direct that the provisions of sections 16 and 17 shall apply to the dwelling houses and the sites thereof occupied by the agricultural labourers or artisans in any particular area specified in the notification.

Tenant's rights to trees planted by him.

20. If a tenant has planted or plants any trees on any land leased to him, he shall be entitled to the produce

and the wood of such trees during the continuance of his tenancy and shall, on the termination of his tenancy, be entitled to such compensation for the said trees as may be determined by the Amildar:

Provided that a tenant shall not be entitled to compensation under this section if the tenancy is terminated by surrender on the part of the tenant;

Provided further that the landlord shall during the continuance of the tenancy, be entitled to the rent of the land as if the trees had not been planted.

Right to produce of naturally growing trees.

21. (1) A tenant shall, during the continuance of his tenancy, be entitled to one-half of the total produce of trees naturally growing on the land, the landlord being entitled to the other half of the produce of such trees.

(2) If there is any dispute regarding the right to the produce of such trees or the apportionment of such produce as provided under sub-section (1), the tenant or the landlord may apply to the Amildar. Such application shall be made in such form as may be prescribed.

(3) On receipt of such application, the Amildar shall, after holding an inquiry, pass such order thereon as he deems fit.

Sub-letting of land by or on behalf of person in military, naval or air service of the Union not to terminate tenancy.

22. Notwithstanding anything contained in this Act or any other law for the time being in force or any agreement or usage, the tenancy of any land leased to and held by a person in the military, naval or air service of the Union, shall not be liable to be terminated on the ground only that the land has been sub-let by or on behalf of the said person.

Tenants responsible for maintenance of boundary marks.

23. Notwithstanding anything contained in section 131 of the Mysore Land Revenue Code, 1888, the responsibility for the maintenance and good repair of the boundary marks of the land held by a tenant and any charges reasonably incurred on account of service by revenue officers in case of alteration, removal or disrepair of such boundary marks shall be upon the tenant.

Repairs of protective bunds.

24. (1) Notwithstanding any agreement, usage or custom to the contrary, if it appears to the Government that the construction, maintenance or repairs of any bunds

protecting any land held by a tenant is neglected due to a dispute between the landlord and the tenant or for any other reason, they may, by an order in writing, direct that the construction, maintenance or repairs shall be carried out by such persons as may be specified in the order and the costs thereof shall be recoverable from the person in actual possession of the land as arrears of land revenue.

(2) The person from whom the costs are recovered under sub-section (1), shall be entitled to recover the same or any part thereof from any person, who under any agreement, usage or custom, is wholly or partially liable to construct, maintain or repair the bunds.

(3) Notwithstanding anything contained in sub-section (1), it shall be lawful for the tenant of any land, the protective bunds of which are neglected, to construct, maintain or repair such bunds at his cost and the cost so incurred by him shall, on application made by him to the Amildar, be recoverable by him from the landlord according to him liability, under the agreement, usage or custom. The costs of the proceedings of the tenant's application shall also be recoverable from the landlord in case the landlord is held wholly or partially liable to pay the costs incurred by the tenant for construction, maintenance or repairs to the bunds.

Relief against termination of tenancy in certain cases.

25. When any tenancy of any land held by any tenant is terminated on the ground that the tenant has done any act which is destructive or permanently injurious to the land, no proceedings for ejectment against such tenant shall lie unless and until the landlord has served on the tenant, a notice in writing, specifying the act of destruction or injury complained of and the tenant fails, within a period of one year from the service of notice, to restore the land to the condition in which it was before such destruction or injury.

Relief against termination of tenancy for non-payment of rent.

26. Where any tenancy of any land held by any tenant is terminated for non-payment of rent and the landlord files any proceedings to eject the tenant, the Amildar shall call upon the tenant to tender to the landlord the rent in arrears together with the cost of the proceedings, within fifteen days from the date of the order and if the tenant complies with such order, the Amildar shall, in lieu of making an order for ejectment

pass an order directing that the tenancy had not been terminated and thereupon the tenant shall hold the land as if the tenancy had not been terminated :

Provided that nothing in this section shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed for any three years to pay rent within the period specified in section 14.

Receipts for rent.

27. (1) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by a tenant to the landlord shall be presumed to be a payment on account of rent due by such tenant for the year in which the payment is made.

(2) Every landlord shall give a written receipt for the amount of rent at the time when such amount is received by him in respect of any land in such form and in such manner as may be prescribed.

Sub-division, sub-letting and assignment prohibited.

28. No sub-division or sub-letting of the land or assignment of any interest held by a tenant shall be valid. Such sub-division, sub-letting or assignment shall make the tenancy liable to termination :

Provided that nothing in this sub-section shall prejudicially affect the rights of a permanent tenant or any tenant the duration of whose tenancy is presumed to be co-extensive with the duration of the tenure of the landlord under section 79 of the Mysore Land Revenue Code, 1888.

Bar to attachment, seizure or sale by process of court.

29. Save as expressly provided in this Act, any interest in the land held by a tenant, shall not be liable to be attached, seized or sold in execution of a decree or order of a civil court.

Procedure of taking possession.

30. (1) A tenant or an agricultural labourer or artisan entitled to possession of any land or dwelling house under any of the provisions of this Act, may apply in writing for such possession, to the Amildar. The application shall be made in such form as may be prescribed.

(2) No landlord shall obtain possession of any land or dwelling house held by a tenant except under an order of the Amildar. For obtaining such order, he shall make an application in the prescribed form.

(3) On receipt of an application under sub-section (1) or (2), the Amildar shall, after holding an enquiry, pass such order thereon, as he deems fit.

(4) Any person taking possession of any land or dwelling house except in accordance with the provisions of sub-section (1) or (2), as the case may be, shall be liable to forfeiture of crops, if any, grown on the land in addition to payment of costs as may be directed by the Amildar or by the Deputy Commissioner and also to the penalty prescribed in section 44.

Procedure for recovery of rent.

31. (1) Notwithstanding anything contained in any agreement or in any law, a landlord shall apply to the Amildar for the recovery of rent payable to him by a tenant. The application shall be made in such form as may be prescribed.

(2) On receipt of the application under sub-section (1), the Amildar shall, after holding an enquiry, pass such order thereon, as he deems fit.

(3) The provision of section 98 of the Mysore Land Revenue Code, 1888, shall apply to the recovery of the rent ordered to be paid under sub-section (2).

Act not to affect rights or privileges of tenant under any other law.

32. Save as otherwise provided in section 28, no other provision contained in this Act shall be construed to limit or abridge the rights or privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a court or otherwise howsoever.

Restriction on tenant's right of transfer.

33. No land purchased by a tenant under section 18, shall be transferred by sale, gift, exchange, lease, mortgage or assignment without the previous sanction of the Government.

CHAPTER III.

PROCEDURE AND JURISDICTION OF AMILDAR AND APPEALS.

Duties of the Amildar.

34. For the purposes of this Act, the following shall be the duties and functions to be performed by the Amildar :—

(*a*) to decide whether a person is an agriculturist ;

(*b*) to decide whether a person is a tenant ;

(*c*) to dermine the value of the crop of the land under section 6;

(*d*) to determine the amount of the commutation of the rent received in terms of labour or service under section 9;

(*e*) to determine the amount of compensation under section 10 for the contravention of sections 6, 7 and 9;

(*f*) to decide what is the reasonable rent under section 12;

(*g*) to determine the amount to be refunded to a tenant under sub-section (5) section 13;

(*h*) to determine the value of the site of a dwelling house under section 17;

(*i*) to take action in respect of the transfer of land to a tenant under section 18;

(*j*) to determine the amount of compensation for trees to which a tenant is entitled under section 20;

(*k*) to determine any dispute regarding the right to produce of trees naturally growing under section 21;

(*l*) to determine the cost of repairing protective bunds under section 24;

(*m*) to decide disputes relating to recovery of rents under section 31;

(*n*) to take measures for putting the tenant or landlord or the agricultural labourer or artisan into the possession of the land or dwelling house under the Act; and

(*o*) to decide such other matters as may be referred to him by or under this Act.

Commencement of proceedings.

35. Save as expressly provided by or under this Act, all inquiries and other proceedings before the Amildar, shall be commenced by an application which shall contain the following particulars:—

(*a*) the name, age, profession and place of residence of the applicant and the opponent;

(*b*) a short description and situation of the property of which possession is sought, or the amount of claim, as the case may be;

(*c*) the circumstances out of which the cause of action arose;

(*d*) a list of the applicant's documents, if any, and of his witnesses and whether such witnesses are to be summoned to attend or whether the applicant will produce them on the day of the hearing;

(*e*) such other particulars as may be prescribed.

Procedure.

36. In all inquiries and proceedings commenced on the presentation of application under section 35, the Amildar shall exercise the same powers as under Chapter XII of the Mysore Land Revenue Code, 1888, and shall follow the provisions of the said Code. In regard to matters which are not provided for in the said Code, the Amildar shall follow the procedure as may be prescribed by the Government. Every decision of the Amildar shall be recorded in the form of an order which shall state reasons for such decision.

Execution of order for payment of money or for restoring possession.

37. (1) Any sum the payment of which has been directed by an order of the Amildar including an order awarding costs shall be recoverable from the person ordered to pay the same as an arrear of land revenue.

(2) An order of the Amildar awarding possession or restoring possession or use of any land shall be executed in such manner as may be prescribed.

Appeals.

38. (1) An appeal may be filed to the Deputy Commissioner against the orders of the Amildar under section 6, 9, 10, 12, 13, 17, 20, 21, 24, 26, 30 or 31.

(2) Save as otherwise provided in this Act, the provisions of Chapter XIII of the Mysore Land Revenue Code, 1888, shall apply to appeals to the Deputy Commissioner under this Act, as if the Deputy Commissioner were the immediate superior of the Amildar. The Deputy Commissioner in appeal shall have power to award costs.

Revision.

39. (1) An application for revision may be made to the Government against any order of the Deputy Commissioner on the following grounds only:—

(*a*) that the order of the Deputy Commissioner was contrary to law;

(*b*) hatt the Deputy Commissioner failed to determine some material issue of law; or

(c) that there was a substantial defect in following the procedure provided by this Act, which has resulted in the miscarriage of justice.

(2) In deciding applications under this section, the Government shall follow the procedure which may be prescribed by rules made under this Act.

Court-fees.

40. Notwithstanding anything contained in the Mysore Court-fees Act, 1900, every application or appeal made under this Act to the Amildar, Deputy Commissioner or the Government, shall bear a court-fee stamp of such value as may be prescribed.

Orders in appeal or revision.

41. (1) The Deputy Commissioner in appeal and the Government in revision under section 39 may confirm, modify or rescind the order in appeal or revision or its execution or may pass such other order as may seem legal and just in accordance with the provisions of this Act.

(2) The orders of the Deputy Commissioner in appeal or of the Government in revision shall be executed in the manner provided for the execution of the orders of the Amildar under section 37.

Limitation.

42. Every appeal or application for revision under this Act, shall be filed within a period of sixty days from the date of the order of the Amildar or Deputy Commissioner as the case may be. The provisions of sections 4, 5, 12, and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal or application for revision.

Inquiries and proceedings to be judicial proceedings.

43. All inquiries and proceedings before the Amildar the Deputy Commissioner and the Government, shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of Indian Penal Code.

CHAPTER IV.

OFFENCES AND PENALTIES.

Offences and penalties.

44. (1) Whoever contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table shall, on conviction for each such offence, be punishable with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed 'subject' are not intended as the definitions of offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column.

Section, sub-section or clause	Subject	Fine which may be imposed
		Rs.
Section 5	Tenancy of land for a period less than ten years or termination of tenancy before the expiry of period of ten years.	1,000
Section 8	Recovery of rent by way of crop-share contrary to section 8.	100
Section 9 (3)	Receipt of rent in form of labour or service.	1,000
Section 11	Levy of cess, rate, mamool, huk, tax or service which has been abolished.	1,000
Section 27 (2)	Failure to give written receipt for the amount of rent received.	100
Section 30	Taking possession of land or dwelling house contrary to section 30.	1,000

(2) An offence for the contravention of the provisions of section 9 or 11 shall be cognizable.

CHAPTER V.

MISCELLANEOUS.

45. (1) The Government may make rules for carrying out the purposes of this Act. Rules.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for the following matters:—

(*a*) the manner of determining the value of the crop of the land under section 6;

(*b*) the penalty to be recovered under section 10;

(*c*) the other factors to be taken into consideration for determining reasonable rent under section 12;

(*d*) the fees to be paid for the grant of a certificate under sub-section (3) of section 17 and sub-section (3) of section 18;

(*e*) the manner and the form in which a receipt is to be given by the landlord under section 27;

(*f*) the other procedure to be followed by the Amildar under section 36;

(*g*) the value of the court-fee stamp payable on an application to the Amildar or on an application or appeal to the Deputy Commissioner under section 40;

(*h*) any other matter which is or may be prescribed under this Act.

(3) Rules made under this section shall be subject to the condition of previous publication in the *Mysore Gazette*.

Delegation of powers.

46. The Government may, subject to such restrictions and conditions as they may impose, by notification in the *Mysore Gazette*, delegate to any of their officers, not below the rank of an Assistant Commissioner, all or any of the powers conferred on it by this Act.

Summary eviction.

47. Any person unauthorisedly occupying or wrongfully in possession of any land,—

(*a*) the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Act; or

(*b*) to the use and occupation of which he is not entitled under the said provisions, and the said provisions do not provide for the eviction of such persons, may be summarily evicted by the Deputy Commissioner.

Bar of jurisdiction.

48. (1) No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Amildar, the Deputy Commissioner or the Government, in appeal or revision.

(2) No order of the Amildar, the Deputy Commissioner or the Government made under this Act shall be questioned in any civil or criminal court.

Control.

49. A all matters connected with this Act, the Government shall have the same authority and control over the Inmildars and the Deputy Commissioners acting under this Act, as they have and exercise over them in the general and revenue administration.

Indemnity.

50. No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

Act not to apply to certain lands and areas.

51. (1) Nothing in the foregoing provisions of this Act shall apply —

(*a*) to lands held on lease from the Government or the Central Government, a local authority or a co-operative society registered or deemed to be registered under the Mysore Co-operative Society Act, 1948;

(*b*) to lands held on lease for the benefit of an industrial or commercial undertaking;

(*c*) to any area within the limits of the City of Bangalore Municipal Corporation and within the limits of the Municipality of Mysore City and within a distance of two miles of the limits of the said Corporation and Municipality;

(*d*) to any area which the Government may, from time to time, by notification in the *Mysore Gazette*, specify as being reserved for urban non-agricultural or industrial development.

(2) Notwithstanding anything contained in sub-section (1), the Government may, by notification published in the *Mysore Gazette*, direct that any particular land or class of lands in any area shall not be exempt from all or any of the provisions of this Act.

Statement of Objects and Reasons.

The Committee constituted by the Government to examine and make their recommendations on the revision of the Land Revenue System in Mysore have recommended the enactment of a Tenancy Law. Government

consider that it is necessary to give effect to this recommendation, and in order to grant the benefits of fixity of tenure and fair rent and to ensure a fair deal to the tenant and make him feel contented, it is desirable to undertake legislation on the lines of Chapter II of the Bombay Tenancy Act. Hence this Bill.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.